

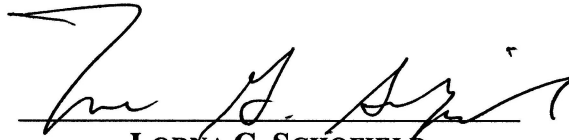
Defendants, Mitchell, and J.D. Power shall file a letter(s) by **April 22, 2022**, stating whether they seek to maintain the redacted portions of Plaintiffs' Consolidated Amended Class Action Complaint under seal, and if so, identifying the basis for sealing each portion that they seek to maintain under seal, in accordance with the three-part test in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006).

So Ordered.

Dated: April 18, 2022

New York, New York

The Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York 500  
Pearl Street, Room 1950  
New York, NY 10007



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

**Re: *Volino, et. al. v. Progressive Casualty Ins. Co., et al.*, No. 1:21-cv-06243-LGS**

Dear Judge Schofield:

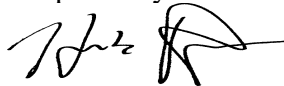
Pursuant to Rule I.D.3 of the Court's Individual Rules of Practice, and the Stipulated Protective Order entered on October 21, 2021, (ECF No. 45), as amended on January 25, 2022 (ECF No. 77), Plaintiffs respectfully request leave to file under seal Plaintiffs' Consolidated Amended Class Action Complaint ("CAC"). The CAC references and discusses information that Defendants Progressive Advanced Insurance Company ("PAIC"), Progressive Max Insurance Company ("PMIC"), and Progressive Casualty Insurance Company ("PCIC") (collectively "Defendants") have designated as confidential, as well as information that third parties Mitchell International, Inc. ("Mitchell") and J.D. Power have designated as confidential or highly confidential.

Plaintiffs seek leave to file the CAC under seal because it quotes or references materials and information Defendants, Mitchell, and J.D. Power have designated as confidential. Pursuant to Rule I.D.3, and paragraph ten of the Stipulated Protective Order, a redacted copy of the CAC will be publicly filed contemporaneously with this letter, along with a copy of the unredacted CAC with highlighted redactions under seal.

Plaintiffs are redacting portions of the CAC to comply with their obligations under the Stipulated Protective Order. These redactions do not reflect Plaintiffs' position on whether those designations should stand under Second Circuit law.

Counsel for Plaintiffs conferred with Defendants' counsel who agreed that the CAC should be filed under seal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Hank Bates', with a stylized flourish at the end.

Hank Bates

cc: All Counsel of Record via ECF

## APPENDIX 1

Pursuant to Rule I.D(3), the following attorneys of record should have access to the sealed letter-motion requesting a premotion conference on Plaintiffs' motion for class certification:

Counsel for Plaintiffs	Counsel for Defendants
<p>Jacob L. Phillips (<i>Pro Hac Vice</i>)  <b>NORMAND PLLC</b>  3165 McCrory Place, Suite 175  Orlando, FL 32803  Telephone: (407) 603-6031  Email: <a href="mailto:jacob.phillips@normandpllc.com">jacob.phillips@normandpllc.com</a>  Email: <a href="mailto:ean@normandpllc.com">ean@normandpllc.com</a></p> <p>Joseph Henry (Hank) Bate, III (<i>Pro Hac Vice</i>)  Tiffany Wyatt Oldham (<i>Pro Hac Vice</i>)  Edwin Lee Lowther, III (<i>Pro Hac Vice</i>)  Jake G. Windley (<i>Pro Hac Vice</i>)  <b>Carney Bates &amp; Pulliam, PLLC</b>  519 W. 7th Street  Little Rock, AR 72201  Telephone: (501) 312-8500  Email: <a href="mailto:hbates@cbplaw.com">hbates@cbplaw.com</a>  Email: <a href="mailto:toldham@cbplaw.com">toldham@cbplaw.com</a>  Email: <a href="mailto:llowther@cbplaw.com">llowther@cbplaw.com</a>  Email: <a href="mailto:jwindley@cbplaw.com">jwindley@cbplaw.com</a></p> <p>Mariam Grigorian (<i>Pro Hac Vice</i>)  <b>Shamis &amp; Gentile, P.A.</b>  14 NE 1st Avenue, Suite 705  Miami, FL 33132  Telephone: (305) 479-2299  Email: <a href="mailto:mgrigorian@shamisgentile.com">mgrigorian@shamisgentile.com</a></p> <p>Scott Adam Edelsberg (<i>Pro Hac Vice</i>)  Christopher Chagas Gold (<i>Pro Hac Vice</i>)  <b>Edelsberg Law</b>  20900 NE 30th Avenue, Suite 417  Aventura, FL 33180  Telephone: (305) 975-3320  Email: <a href="mailto:scott@edelsberglaw.com">scott@edelsberglaw.com</a>  Email: <a href="mailto:chris@edelsberglaw.com">chris@edelsberglaw.com</a></p>	<p>Laura Elizabeth Harris  <b>King &amp; Spalding LLP</b>  1185 Avenue of the Americas  New York, NY 10036  Telephone: (212) 790-5360  Fax: (212) 556-2222  Email: <a href="mailto:lharris@kslaw.com">lharris@kslaw.com</a></p> <p>Jeffrey Cashdan (<i>Pro Hac Vice</i>)  Allison Hill White (<i>Pro Hac Vice</i>)  James Matthew Brigman (<i>Pro Hac Vice</i>)  Zachary Andrew McEntyre (<i>Pro Hac Vice</i>)  <b>King &amp; Spalding LLP</b>  1180 Peachtree Street NE, Suite 1700  Atlanta, GA 30309  Telephone: (404) 572-5600  Email: <a href="mailto:jcashdan@kslaw.com">jcashdan@kslaw.com</a>  Email: <a href="mailto:awhite@kslaw.com">awhite@kslaw.com</a>  Email: <a href="mailto:mbrigman@kslaw.com">mbrigman@kslaw.com</a>  Email: <a href="mailto:zmcentyre@kslaw.com">zmcentyre@kslaw.com</a></p> <p>Julia Constance Barrett (<i>Pro Hac Vice</i>)  <b>King &amp; Spalding LLP</b>  500 W. 2nd Street, Suite 1800  Austin, TX 78701  Telephone: (512) 457-2053  Email: <a href="mailto:jbarrett@kslaw.com">jbarrett@kslaw.com</a></p>

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<p>Thomas M. Mullaney <b>Law Offices of Thomas M. Mullaney</b> 530 Fifth Avenue, 23rd Floor New York, NY 10036 Telephone: (212) 223-0800 Fax: (212) 661-9860 Email: <a href="mailto:Mulllaw@msn.com">Mulllaw@msn.com</a></p>	
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